IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

WEDNESDAY, THE FOURTH DAY OF AUGUST
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE DR JUSTICE G.YETHIRAJULU

WRIT PETITION NO : 13721 of 2004

Between:

C. Raghavendra Naidu, S/o. C. Kondaiah,
R/o. Tadipatri, Anantapur District.

..... PETITIONER

AND

1 The Regional Transport Authority, Ananthapur, Ananthapur District.
2 The Inspector of Police, M.V. Special Squad, Anantapur, Anantapur District.
3 The Station House Officer, Narpal Police Station, Anantapur District.

.....RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue Writ Order or Direction more particularly one in the nature of WRIT OF MANDAMUS, declaring the action of the 2nd respondent in seizing the petitioner's vehicle bearing Re.No.ATN-8827, vide Check report No. 893 dated 31-7-2004, as illegal, improper, arbitrary, unreasonable, and consequently direct the respondent to release the vehicle bearing Reg.No.ATN-8827 belonging to the petitioner, and to grant such other relief or reliefs as this Hon'ble Court deems fit and proper in the circumstances of the case.

Counsel for the Petitioner: MR.V.MADHUSUDANA RAO

Counsel for the Respondent No.: GP FOR TRANSPORT

The Court made the following:

THE HON'BLE Dr. JUSTICE G.YETHIRAJULU

W.P.NO.13721 OF 2004

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ORDER:

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The petitioner is the owner of a stage carriage bus bearing Reg.No.ATN-8827. It was seized by the second respondent on the ground that the petitioner failed to produce the permit and other relevant documents at the time of check conducted on 31.07.2004.

The learned counsel for the petitioner submitted that though the petitioner could not produce the relevant documents at the time of check, he is having valid permit and other relevant documents with him and he is ready to produce them before the first respondent for the purpose of verification and for passing appropriate orders. He further submitted that the bus in question seized from the petitioner, is kept at the police station and it is being exposed to sun and rain and if the vehicle is allowed to be kept there for some more period it is likely to be damaged. He therefore seeks release of the vehicle for interim custody of the petitioner on such terms and conditions as this court deems fit and proper. The learned counsel for the petitioner placed before this Court certain documents i.e., the permit and other relevant documents relating to the vehicle.

In view of the above circumstances the respondents are directed to release the vehicle bearing Reg.No.ATN-8827 to the petitioner for interim custody on condition of his depositing Rs.10,000/- with the first respondent and on further condition that the vehicle in question shall not be alienated or transferred or altered the same during the period of interim custody and shall produce the vehicle as and when required during the enquiry. The petitioner shall cooperate with the first respondent in the enquiry for the disposal of the matter.

The writ petition is accordingly disposed of. No order as to costs.

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04.08.2004 (Dr.G.YETHIRAJULU, J)

ycr/

Note: Operative portion by wire.

(By Order)

To

1 The Regional Transport Authority, Ananthapur, Ananthapur

District.

2 The Inspector of Police, M.V. Special Squad, Anantapur,

Anantapur District.

3 The Station House Officer, Narpal Police Station, Anantapur

District.

4. 2 CCs to GP for Transport, High Court Bldgs, Hyderabad. (OUT)

5. 2 CD copies.